

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
UNITED STATES OF AMERICA,	:	
	:	
-v-	:	22-CR-303 (JMF)
	:	
GUSTAVO CHAVEZ,	:	<u>SCHEDULING ORDER</u>
	:	
Defendant.	:	
-----X	:	

JESSE M. FURMAN, United States District Judge:


The Court has been advised that the Defendant may want to enter a change of plea. Accordingly, the parties shall appear for a conference with the Court on **November 27, 2023 at 3:00 p.m.** in **Courtroom 1105** of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York.

In accordance with Section 7(B) of the Court's Individual Rules and Practices for Criminal Cases, defense counsel should, in advance of the proceeding, review with the Defendant — if necessary, with the assistance of an interpreter — any *Pimentel* letter or plea agreement. Additionally, the Defendant should be prepared to give narrative allocutions that incorporate all of the elements of the offense(s) to which the Defendant is pleading guilty. In the interest of clarity and efficiency, the Court encourages counsel to assist the Defendant in writing an allocution that can be read in open court during the plea proceeding.

Finally, the Court notes that, in the event a change of plea is accepted, counsel should be prepared to address whether the Defendant should be remanded to the custody of the United States Marshal. *See* 18 U.S.C. § 3142(a)(2); *see also United States v. Lea*, 360 F.3d 401, 403 (2d Cir. 2004) (holding that a defendant subject to § 3143(a)(2) who cannot meet that Section's requirements may nevertheless "be released if (1) the district court finds that the conditions of release set forth in § 3143(a)(1) have been met, and (2) 'it is clearly shown that there are exceptional reasons why [the defendant's] detention would not be appropriate,'" and defining "exceptional reasons" (quoting 18 U.S.C. § 3145(c)).

SO ORDERED.

Dated: November 20, 2023
New York, New York



JESSE M. FURMAN
United States District Judge